



MISSOURI CONCRETE ASSOCIATION, INC.

101 E. High Street, P.O. Box 392, Jefferson City, Missouri 65102
(573) 635-6271 • FAX: (573) 636-9749 • www.moconcrete.com

RANDY J. SCHERR, Executive Director

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MAY 27 2003

May 23, 2003

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MISSOURI LAND RECLAMATION COMMISSION

The Honorable Randy Angst
Missouri State Representative
18732 Normandy Dr.
Lebanon, MO 65536

Dear Representative Angst:

I would like to thank you for taking an interest in the proposed sand and gravel regulations and co-signing a letter to the Commission regarding the work group recommendations. I would like to bring you up-to-date on the most recent developments.

This week you received a copy of a letter from me to the Commission regarding our strong opposition to the DNR staff recommendations to the Commission regarding proposed sand and gravel regulations. We spent months developing the work group recommendations and continue to support that draft.

At the Land Reclamation Commission Meeting yesterday, the Commission adopted, as proposed rules, the work group recommendations with minor changes. Those changes came in areas where we had worked with the members of the Commission. The final set of proposed rules adopted by the Land Reclamation Commission at yesterday's meeting are generally acceptable to the industry. We anticipate pressures from various groups for onerous changes to these proposed rules during the rulemaking process. We will be cautiously vigilant as that process continues.

Once again, we would like to thank you for your interest in this issue and we will keep you apprised of any developments through the public comment period and Final Order of Rulemaking process.

Sincerely,

Randy J. Scherr
Executive Director

RJS:rmw

cc: Larry Coen, Land Reclamation Commission

This was sent to Larry Coen 28 that signed J.C. Kuesner's letter and Sen. Steelman and Russell, Thanks. Randy

LC

STEWART-MORRISON REDI-MIX, INC.

PO Box 30
West Plains, Missouri 65775
417-256-8171

May 20, 2003

Mr. Larry Coer
Land Reclamation Commission
PO Box 176
Jefferson City, Mo. 65102

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MAY 23 2003

MISSOURI LAND
RECLAMATION COMMISSION

Dear Larry:

I am writing to express my appreciation for your visit to our two sand and gravel plants last week. I hope the visit was helpful and informative. Larry, I had the opportunity, yesterday, to look at the latest proposed regulations. I had to wait a day to write-- and I will try to be professional in doing so.

The latest proposal is not acceptable to those of us in industry. I can not speak for the industry, but I believe my reaction will be similar --if not more restrained-- then the others that have worked for so long on this whole issue. The latest draft is such a departure in content and tone that it would take several pages to spell out the adverse reactions we have to it.

Instead, let me react in a more general sense to where we are. The commission meets Thursday to vote on this proposal. We are just now getting it. It is dramatically different from anything that we have worked on and we are seeing it three days before it goes to the commission. It is hard to restrain a large sense of betrayal over the process. Many of us had worked for ten years on the issue of sand and gravel mining. What we came to realize was that there is a huge lack of understanding of all the issues and considerations involved. When everyone involved reaches a general level of understanding it has been much easier to reach the necessary compromises.

That is what happened with your workgroup. We are over six months into an extensive study of what the regulations should be. The first several months were very contentious but they were necessary for everyone in the workgroup to achieve some understanding of all the considerations. Finally, after considerable compromising we voted on proposed regulations to submit to the commission. We believed that the compromising had occurred. We understood that you and your staff were accepting of our recommendations and that the Conservation Commission staff was in agreement. The farm organizations and the property rights organizations were not totally happy but reasonably accepting. The County officials appeared to be accepting.

Evidently, due to a campaign of phone calls we are now back to where we started ---if not further apart. I am especially upset with the ethics of the process. Why did we waste our time for the last six months --in good faith--if someone is going to write the regulations that may not have even participated in all -or any-of the meetings. The proposal clearly lacks an understanding of what we do, how we do it and, I worry, a lack of respect for those of us in industry.

As I have discussed with you, I realize that many people will automatically and instinctively react negatively to sand and gravel mining. I also believe that our streams can be protected and still allow us to operate. In order to bridge that gap it requires respect and understanding. I believe we had largely achieved that with the workgroup. It is simply wrong to write these regulations without the understanding and knowledge necessary to take into account all sides of the issue.

Larry, I apologize for the generalities of this letter. It is too late in the process to get specific about the latest proposal. I respect you and your staff. I also respect the job that you do. I have no idea who wrote the latest proposal but it, unnecessarily, places more cost and administrative burdens on us. It makes it far more difficult for us but does not achieve any more protection of our streams.

I respectfully request that the department go back to the agreed upon set of regulations that we worked so hard to achieve and make the necessary final compromises from that document. It would be respectful of the process that has already occurred.

Respectfully,

A handwritten signature in black ink, appearing to read "Travis Morrison", written in a cursive style.

Travis Morrison

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MAY 23 2003 **MISSOURI FARM BUREAU FEDERATION**

P.O. Box 658, 701 South Country Club Drive, Jefferson City, MO 65102 / (573) 893-1400

ALPD ADMINISTRATION

May 20, 2003

Ted Smith, Chairman
Land Reclamation Commission
1015 S. Farm Road 193
Springfield, MO 65809

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Letter mailed to all members of the
Land Reclamation Commission

MAY 27 2003

Dear Commissioner:

MISSOURI LAND
RECLAMATION COMMISSION

Upon reviewing the in-stream sand and gravel excavation proposed rules recommended by the Missouri Department of Natural Resources staff, it is apparent that the workgroup recommendations were not as relevant to the department's deliberations as participants were led to believe. The department's proposal reflects predominately minority views rather than those supported as recommendations by the workgroup majority. This proposal effectively confirms the suspicions of workgroup participants who were skeptical of the facilitated process led by the department.

It is particularly disturbing that the proposal not only leaves unaddressed the concerns of landowners who want sand and gravel cleared from streams on their property and have no use for the excavated material, but puts additional restrictions on some landowners, such as those in proximity to Outstanding State and National Resource Waters.

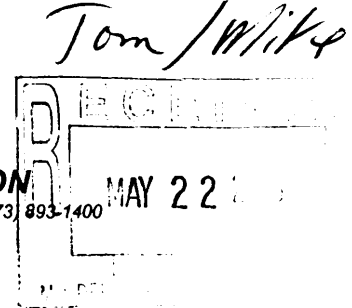
In previous correspondence, we asked the commission to address the removal of excavated material from the landowner's property. When the workgroup process did not allow for consideration of this issue, workgroup participants voted against converting guidelines to regulations and prompted legislation authorizing small operators who meet operational standards set by the department to excavate and remove excavated material from the landowner's property without a permit. As you may know, bills including variations of this provision as well as other regulatory reform measures were approved by both the House and Senate. However, the conference committee report was filibustered as the legislative session ended.

We urge the commission to table the department's proposal, support the workgroup recommendations, and support a reasonable process for landowners to have sand and gravel cleared from their streams and removed from their property without a permit.

Sincerely,

Charles E. Kruse
President

cc: Members of the Senate Agriculture, Conservation, Parks and Natural Resources Committee
Members of the House Agriculture Committee
Senator John Russell
Senator Sarah Steelman
House members who signed the April 2 letter to Land Reclamation Commission
Steve Mahfood, Director, Missouri Department of Natural Resources
John Hoskins, Director, Missouri Department of Conservation



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Larry C.
Kara
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